

### **REMARKS/ARGUMENTS**

The office action of November 3, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 28-63 remain pending in this application. Claims 1-27 have been canceled without prejudice or disclaimer.

#### **Claims 1-18**

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 5-7, 9, 10, 14-16 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. publication 2002/0135613 to O'Hara. Claims 2-4, 8, 11-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Hara in view of U.S. publication no. 2004/0268148 to Karjala et al. ("Karjala"). Applicants respectfully traverse these rejections. Notwithstanding the merits of these rejections, applicants have canceled claims 1-18 without prejudice or disclaimer to expedite prosecution.

#### **Claims 19-63**

Although not specifically rejected, the Office Action further states that each of claims 19-63 could be rejected upon the same basis as claims 1-18. However, the rejection of claims 19-27 is rendered moot as these claims have been canceled without prejudice or disclaimer.

Regarding claims 28-63, Applicants submitted a Declaration under 37 CFR § 1.131 with the last response establishing a reduction to practice for these claims 28-63 prior to June 30, 2003, the filing date of Karjala. As such, Karjala does not qualify as prior art to claims 28-63. Therefore, the rejection of claims 28-63 based on the combination of O'Hara and Karjala is improper and these claims are in immediate condition for allowance.

**CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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